

October 5, 1998

Mr. Robert Whiting  
District Engineer  
St. Paul District, Army Corps of Engineers  
190 Fifth Street East  
St. Paul, MN 55101-1638

Dear Mr. Whiting,

It has been brought to my attention that you are involved with drafting an environmental impact study concerning the construction of a dike at County Road 8 south of Grand Forks.

1 I am writing to inform you that I live in the Burke Addition at 6720 Woodcrest Road, south of Grand Forks. My home is on the east side of County Road 8 (the wet side) and my property would be devalued by 50% or more if that dike is built. I don't believe that the city of Grand Forks has any right to build a dike that would raise flood levels on my property, endanger my home or devalue my property.

2 The dike alignment on County Road 8 would put my family and my 80 or so neighboring households in a funnel which would, in conjunction with restrictive diking downtown Grand Forks, increase the potential for flooding in our neighborhood. I would think that would be against the law.

Sincerely,

  
Alfred J. Vigen

Response to comments from Alfred J. Vigen

1. We acknowledge and are sympathetic with citizens' concerns that property values may be declining in their neighborhood. The flood of '97 caused a lot of uncertainty. Property values in the East Grand Forks/Grand Forks area may be affected by the heightened awareness of potential flooding that was brought about by the damage and disruption of the flood of 1997. Price (value of property) is determined by the forces of supply (sellers) and demand (buyers) interacting in the marketplace. Many complex factors, tangible and intangible, are involved in this interaction to arrive at an agreed upon price. They include: location and associated risks, age, style, size, condition of the home, condition of the national and local economy, demand for and supply of homes in each particular market niche, amenities, aesthetics, interest rates, and employment trends.

As part of the GRR a study was made to determine if the Burke/Adams Additions could be included as part of the proposed project. Economic and hydraulic evaluations were conducted but found that additional costs incurred to protect these areas would greatly outweigh the additional benefits. Therefore, extending protection to these areas did not meet established Federal guidelines and could not be considered as part of the recommended Federal project.

However, including some or all of the south end neighborhoods as betterments are not precluded by the GRR/EIS. Betterments are 100 percent non-Federally funded with local sponsor responsibility for all study and actual construction costs. It is important to note that any alignment changes associated with betterments could not raise water stages during flood events. Any changes that would have environmental or cultural effects would have to be analyzed and evaluated from those standpoints as well.

Many features influence people's decisions to purchase property. Among the prominent features in the Burke/Adams area are: views of the river, rural setting, larger lots, direct private access to the river, and close proximity to the golf course. Some residents reported that they suffered little damage in the flood. Some of these features may be in shorter supply after the implementation of the proposed project. Also, homeowners can purchase flood insurance to help protect against and compensate for future losses. In many cases nonstructural flood protection measures may be viable options.

Our studies indicate that properties in the Burke/Adams area would not be negatively impacted with the construction of the proposed project as currently designed and therefore are not eligible for compensation (i.e., the proposed project would not induce higher flood stages). In fact, there would be a small reduction in flood stages resulting from the bridge removal and setback levee features associated with the proposed project.

2. The analysis of potential water surface elevations after construction showed that, compared to current conditions, a minor decrease in water surface elevations would be expected.

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October 5, 1998

FAX 1-612-290-5800 2370

Colonel Kenneth S Kasprisin  
Dept of the Army  
Corps of Engineers  
St Paul District  
190 5 St E  
St Paul MN 55101

RE: Country View Neighborhood Assoc. Inc.-Comments on General Re-evaluation Report and  
Environmental Impact Statement  
Our File No.8135

Dear Colonel Kasprisin:

1 Again Country View Neighborhood Assoc. Inc. reaffirms and reincorporates by reference its comments on the draft EIS scoping document dated June 30, 1998 (Exhibit 1). Country View reincorporates these comments because it believes to a large degree the original comments on behalf of the neighborhood, as a whole, were discarded out of hand and not considered in corresponding future documents. This is particularly true regarding comments on any activity in Minnesota, wetland restoration, and upstream storage to reduce flood impact.

2 Although Country View Neighborhood Assoc. Inc. has submitted its comments through its attorney, these comments should none the less be evaluated as if they had come from each individual resident. No member of your agency has ever contacted the commentor nor responded directly regarding attempts for a face-to-face meeting. To date, Country View Neighborhood Assoc. Inc., which is not a part of the city of Grand Forks, has had its comments best received and reviewed by the Mayor of Grand Forks and its best possibility of establishing a meeting with your agency have also been through the Mayor's efforts rather than through your contact personnel.

3 Country View further believes the re-evaluation report and environmental impact statement are premature in that several activities regarding potential alternatives are still ongoing. For example, on September 9, 1998, the Grand Forks City Council approved a modification to the contract of Shannon & Wilson Inc. regarding flood alternatives. These processes should be fully completed and reviewed prior to

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solution selection. This appears to be another example of the Corps following a pre-ordained concept without respect to input or the requirements of the National Environmental Policy Act.

4 Also attached to these comments are a copy of a document in essence developed by Roland Young regarding the Lake Traverse project (Exhibit 2). This is an excellent example of upstream activity of a preventive nature which would have reduced the impact of the flood in Grand Forks and could greatly reduce potential impacts in the future. In addition, it was indicated by the Environmental Protection Agency (EPA) in their original comments that such retention activity could greatly assist water supply in the Red River Valley and enhance water quality. Apparently, the comments by the EPA regarding these activities were disregarded like those of East Lake Addition, Reeves Historical Alliance, Northridge Hills Alliance, Country View, and several other parties. In EPA's May 5, 1998, comments they indicated that "a full range of alternatives should include the examination of control of wetland drainage and its potential effects on the solution to flooding."

5 Attached correspondence from the Assistant State Engineer to North Dakota's Governor indicate that certain groups within the state generally oppose wetland-type legislation (Exhibit 3). Some of this legislation was in place at the time when drainage which contributed to the Grand Forks flood occurred. Again, Country View reiterates that a review of such unauthorized or possibly illegal drainage should be conducted by entities which were not involved in approving such drainage prior to the undertaking of the Corps' plan which would have such massive impact on the economic, social, and cultural structure of the neighborhoods in Grand Forks.

6 Recently North Dakota's Governor and Congressional Delegation had expressed support to retention activities of upgradient from Devils Lake to assist in reducing flood impacts in the Devils Lake Region. Such activity in the Red River Valley could only have the same impacts on potential flooding within the Red River Valley Region.

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C.A. §§ 4321-4370c) details those areas which must be addressed by any major federal actions significantly affecting the quality of the human environment, it states at §§ 4332(C):

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on---

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- .....
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented".

(Emphasis added.)

Further, NEPA requires in § 4332(E) to study, develop, and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. (Emphasis added.)

In addition to those portions of NEPA cited above, Congress in its Declaration of Policy at § 4331(b)(4):

"(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;"

7 | By moving forward with its current plan without review of alternatives as raised by commentators and several regional water management experts like those of Gerald Groenewold (Exhibit 4) and by adopting a plan prior to completion of alternative studies such as that being conducted by Shannon & Wilson Inc., the Corps is not in compliance with the above-referenced sections of the National Environmental Policy Act.

8 | Country View Neighborhood Assoc. Inc. will be attempting to establish a meeting with Corps representatives in St. Paul within the near future to discuss its concerns. The Addition would appreciate any effort you may make to facilitate such meeting.

9 | The Addition has taken every step to achieve favorable resolution in the most informal and cooperative manner possible. Unfortunately, the near total disregard of its comments and comments of neighborhoods like itself will force Country View Neighborhood Assoc. Inc. to consider and implement more aggressive formal alternatives.

Respectfully,



William J. Delmore

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Encs

# Kelsch Kelsch Ruff & Kranda P.L.L.P.

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June 30, 1998

FAX 1-612-290-5800 AND MAIL

CORPS OF ENGINEERS  
LIEUTENANT COLONEL BREYFOGLE  
ST. PAUL DISTRICT, ARMY CORPS OF ENGINEERS  
ATTN: MR. ROBERT WHITING  
190 FIFTH STREET EAST  
ST. PAUL MN 55101-1638

RE: Country View - Comments on Draft EIS Scoping Document  
Our File No. 8135

Dear Mr. Whiting:

Country View Neighborhood Association, Inc., is an association of approximately 60 households which have not commented as a group at a prior date. Country View hereby incorporates by reference former comments of certain of its members, in specific, a letter dated April 23, 1998, from Scott Stradley (enclosed), and a letter dated April 24, 1998, from Kathleen Stradley (enclosed). In addition, Country View adopts East Lake Addition's former comments dated April 24, 1998, (enclosed). We are surprised and disappointed by your intent to eliminate consideration of any activity in Minnesota and wetland restoration and upstream storage from further consideration.

The Minnesota activity elimination appears to be of a political nature because Country View is not aware of any technical rationale for the elimination.

Mr. Whiting indicates in his cover letter that water quality is a major concern of the Draft Environmental Impact Statement (DEIS). If this is so, why would you disregard the comments of the Environmental Protection Agency, East Lake Addition, Reeves Historical Alliance, Northridge Hills Alliance, and several other parties in regard to retention structures, upstream storage, and wetland restoration. The Environmental Protection Agency in their May 5, 1998, comment indicated that "a full range of

EXHIBIT 1 4

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alternatives should include the examination of control of wetland drainage and its potential effects on the solution to flooding." Flood control activity within the Grand Forks area taken without addressing basin-wide retention concerns is an example of dealing with the symptom while not addressing one of the primary causes of the problem. Country View, like others impacted by your proposed activity, seek an unbiased technical review of all appropriate alternatives.

Recent action taken by local authorities (City of Grand Forks and the Flood Control Committee) have potentially placed neighborhoods in the position of having to potentially battle each other in regard to proposed flood control alternatives. When this local government activity could lead to the taking of property without process or compensation, the need for an unbiased technical review of alternatives becomes more imperative. We believe the National Environmental Policy Act of 1969 (NEPA) requires review of the full environmental impact of the proposed action. This includes alternatives to any proposed action and in the opinion of Country View includes addressing problems which have been designated by several experts as potential contributors to the flooding itself.

As we have referenced in previously submitted letters by our members, Country View has the potential to be impacted by overland flooding which has been aided by unrestricted drainage activity. A full review of this drainage activity must be undertaken on both the local and regional basis to minimize the impacts of any future flooding.

Although we have limited resources we will attempt to work with other neighborhoods to utilize established and qualified experts to attempt to provide specific alternatives to the Corps. We believe these alternatives should have been reviewed in depth by the Corps itself as part of the development process but given the myopic view which has been taken we hope you will review specific proposed alternatives as we provide them to you in the upcoming months along with technical rationale for their implementation.

Respectfully,

William J. DeImore

WJD:ls  
Enc

EIS-244

April 24, 1998

Col. J.M. Wonsik  
District Engineer, Corps of Engineers  
ATTN: Mr. Robert Whiting  
190 Fifth Street East  
St. Paul, MN 55101-1638

Re: Preparation of Draft Environmental Impact Statement (DEIS)  
General Revaluation Report for Flood Control at East Grand Forks,  
Minnesota and Grand Forks, North Dakota

Dear Colonel Wonsik:

Please consider my comments concerning the proposed long term flood abatement project.

Please plan to treat the flooding problem in this region as a basin wide project.

Please involve other agencies and entities in addressing **upstream drainage**.

Generally, the public has not received sufficient and adequate notice concerning the issues that will be dealt with in the DEIS.

There has not been sufficient time to make decisions about rebuilding, relocating, and the many other economic and social impacts after the flood disaster of April 1997.

We have not been given alternatives either. In my particular neighborhood, the property owners have been told that we can live on the wet side of the levee.

We were also told that there is no funding for flood protection other than self funding.

We were told there will be no property buyouts in this area.

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I urge you to cooperate and communicate with other agencies that have studied the basin wide flooding problems in this region.

Please look at the allocation of resources for the proposed flood project.

Many of us fear broken levees, as much as we fear losing our rights to due process and just compensation.

Thank you.

Sincerely,

*Kathleen A. Stradley*  
Kathleen A. Stradley  
6830 Woodcrest Rd  
Grand Forks ND  
58201

(h) 701 772-2827

(w) 701 772-7266

Scot A. Stradley  
6830 Woodcrest Road  
Grand Forks Township, ND 58201

40% of the homes (60 total) were dry and 60% had water. There is one ongoing buyout.

We note with concern that the City engineer, Ken Vein, said that the Corps is requiring 4 feet of freeboard on the levee in this area. Lisa Hedin had so far told us that the levee would only change water elevation two tenths of a foot. Four feet of freeboard, for risk and uncertainty, is being taken very seriously here.

Further, the Corps is considering an alternative placement which would move the levee east, or closer to us, and thereby worsening flooding in our area. One of the property owners in this area, a land developer, has had his farm land annexed and desires flood protection. Protecting him will adversely affect us. The Adams farm. Additionally flooding will aggravate erosion and sedimentation problems generally. The further the levee is to the west of us, the less impact.

There is a wetland in this area that I want you to consider. It is a man-made wetland. The old river channel was dammed on both ends with an overflow pipe on one end. This was done in the early 1950s. It supports a variety of fish and bird life. It is an important nesting and resting area for migrating birds.

There should be consideration for the employment, income and wealth impact on the community. There are 2 medical doctors, 3 university employees, 1 U. S. Air Force Colonel, and probably one-half of the property owners own and operate their own businesses. There is one manufacturer (employment over 25) and one veterinary clinic. The Vet is the Professor of Anatomy and Director of Animal Experiments at the UND Medical School. Worsening flooding and prolonging effects will decrease wealth values (residential, commercial and industrial) and increase income and employment loss (in both private and public sectors). The property in this area is, according to the assessor's office, worth approximately \$25 million. Taxable value is 50% of this and the mill levy is 377 mills. Property taxes, sales taxes, and income taxes for federal, state and local government would be affected.

Erosion and sedimentation issues should be addressed for this area. Any change in river direction or velocity could have erosion effects and there are numerous families living on either past or present river bank here. Sedimentation could change during a flood event if the river can't spread out and dump its silt all over the city. Also, overland water from the west flows through a ditch running alongside the Township road that goes east to our neighborhood from the intersection of County 17 and 8. The levee would enclose this drainage area and this creates the possibility of even greater flows and erosion of the Township road and other infrastructure like a neighborhood groundwater drain system.

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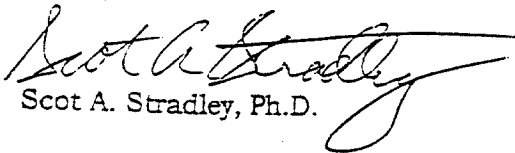
Scot A. Stradley  
6830 Woodcrest Road  
Grand Forks Township, ND 58201

The social resources of this area consist of the wonderful form of government we use. The last Grand Forks Township election had 59 voters and most were from this area. They directly elect their officers and resolve their business. Township government is a unique cultural resource especially when non-farmers utilize it. The neighborhood associations are also good examples of township like government. Community members voluntarily pay their dues. The cost of government is extremely low. Problems are solved alone or by working with other government entities (like the Grand Forks Water Resource Board, and the Grand Forks County Commissioners). This is a unique cultural resource-government.

Other cultural resources include our neighborhoods. They are safe and great places to raise children. Everyone knows each other and looks out for each other, but we live on large enough lots to have privacy. I have had a bird feeder in the backyard for 12 years. I have attracted Rose Breasted Grosbeaks to feed and nest here. A variety of birds and mammals live here and pass through.

The levee would ruin our view of the western horizon. This would end watching the sun sink beneath the horizon. This will cause me a great loss of pleasure of life. I am from Idaho and one of the reasons I moved outside the city was to get away from big trees and buildings that block the horizon.

Sincerely,

  
Scot A. Stradley, Ph.D.

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## INITIAL SUBMISSION ON BEHALF OF EAST LAKE ADDITION

### INTRODUCTION

This is the initial submission on behalf of East Lake Addition (East Lake) to the Corps of Engineers to comment on the scope of the Draft Environmental Impact Statement (DEIS) and to express their desire to participate in the development of the DEIS. The first Notice that East Lake received regarding comment on the scope of the DEIS came in the Grand Forks/East Grand Forks Flood Protection Update dated April 3, 1998. (Attached Exhibit 1.) Most of the members did not see the update until the week of April 20, 1998. For this reason East Lake may need additional time to comment on the scope of the DEIS. In addition, East Lake asks for the ability to comment on the Draft Scoping Document to be published on May 15, 1998.

### LEGAL AUTHORITY

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C.A. §§ 4321-4370c) details those areas which must be addressed by any major federal actions significantly affecting the quality of the human environment, it states at §§ 4332(C):

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

- (iii) alternatives to the proposed action,

.....

- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented".

(Emphasis added.)

In addition, NEPA requires in § 4332(E) to study, develop, and describe alternatives to recommended courses of action in any proposal which involves

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Attorneys at Law  
Mandan, N.D.  
P.L.L.P.

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unresolved conflicts concerning alternative uses of available resources. (Emphasis added.)

Further, Executive Order No. 11988 issued in May 1977 concerns operations in flood plains. Section 5 of that Order requires early public review of plans in accordance with the National Environmental Policy Act. It appears to East Lake that much of the activity undertaken by the Corps in regard to proposed dike alignment and other flood control activities were not taken in accordance with NEPA or in accordance with the early public review required in Executive Order No. 11988.

#### HISTORICAL SIGNIFICANCE AND PRESERVATION

In addition to those portions of NEPA cited above, Congress in its Declaration of Policy at § 4331(b)(4):

"(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;"

In the Flood Protection Update the Corps also indicated that cultural resources, both historic and archaeological and social and economic issues, including the disruption of neighborhoods are key items to be discussed in the DEIS.

East Lake has within the addition both homes and structures which contribute to the historical background of the Grand Forks area. This is particularly true in regard to the agricultural culture of the area. Original riding stables and other original structures are located within this Addition. This historical significance should be viewed in addition to the environmental, social, and actual costs involved.

#### POSSIBLE TAKINGS IMPLICATIONS

Unlike homes within the Grand Forks city limits, East Lake homes will receive no compensation for being placed on the "wet side" of the dike alignment. Contrary to opinions expressed by certain officials at public meetings, residents of East Lake believe that the placing of the dike alignment will have a serious, if not catastrophic, effect on their property values. If this action is taken in an arbitrary manner or without required consideration of reasonable alternatives or adequate process under the law, "takings" impacts may be involved. Appropriate procedural input as listed above and review of alternatives as described below is imperative prior to activity which would have such a large and measurable impact on property values.

## AREAS OF CONCERN

Although East Lake has had minimal time to prepare its submission, it has identified the following areas of concern which should be considered in the development of the DEIS and prior to undertaking any major federal construction activity.

1. Review Original Flood Plain Description: Any dike alignment should be reviewed in accordance with original flood plain descriptions which were in effect at the time of purchase of property and construction of homes. If these descriptions were not accurate they should be amended prior to construction activity.
2. High Cost of Dike Alignment and Unresolved Conflicts: There are several alternatives to the major property value impacts caused by the proposed activity. These devaluations will result in a lower tax base. A complete review of alternatives may allow resources to be better utilized in other flood prevention activities.
3. Review of Diversion or Channelization Alternatives: Any diversion or channelization alternatives to be taken, in lieu of or in conjunction with dike alignment, in North Dakota, Minnesota, or both states should be reviewed in writing prior to undertaking the destructive activity recommended in the current dike alignment plan. Such review should be conducted without a pre-disposed position regarding the current proposed plan but rather as a neutral review for utilizing available resources as referenced in NEPA.
4. A Basin-Wide Review of Flood Protection Activities: The Corps needs to undertake a full review of activities throughout the Red River and other impacting basins in conjunction with the International Joint Commission (IJC) and the Red River Basin Board. This review should concentrate on retention structures which not only assist in reducing or preventing floods but also improve water quality and add to evaporation acreage available. The review should include a comprehensive review of both legal and illegal drains which have been allowed and which directly impact the basin. Such drainage review should not be conducted by entities who originally approved such policies or drainage. Where approval or policies have contributed to water quality and water quantity problems, errors should not be accentuated. Failure to adequately review these concerns is to address symptoms rather than cause. Despite the flooding, in recent years municipalities and industries within the Red River Basin have experienced both a shortage of usable water and low flows which had limited the ability to discharge wastes. Retention structures will not only

affect water quality through holding and increased evaporation, but will also assist in providing water in low flow periods and in bettering water quality through settling of solids and filtering of other potential impurities.


5. Involvement of State and Federal Agencies with Expertise: Previous statements and writings by both state and federal officials indicate some conflict with the current proposal. This specifically applies to calls for a basin-wide study on water management. Input from agencies with water quantity, water quality, geological, and other specialized expertise should be received prior to the development of the Environmental Impact Statement.
6. Review of Less Drastic Measures: A review of alternatives coupled with a basin-wide effort to reduce flooding will allow less drastic measures to be taken in regard to the dike alignment. Other efforts to prevent drainage and better manage upstream water supply may have impact on size, width, and soil stability required for diking. Given the drastic measures proposed, such review should be undertaken before the implementation of a plan which requires such extensive resources.
7. Careful Review of Dike Alternatives: Concepts such as the invisible wall, soil stabilization through chemical addition, hydraulic drainage or other type flood walls should be reviewed without predisposition and responded to in writing prior to undertaking of such a major, resource-intensive activity as the current proposed alignment. This is particularly true in regard to historic structures like those in the East Lake area.
8. An Unbiased Review of Reports and Proposals Submitted by Other Entities With Expertise: A careful review of alternative proposals on studies such as those provided by Acres International Limited, Shannon and Wilson, Inc., the Energy and Environmental Research Center, and others with specialized expertise should be carefully reviewed and evaluated prior to undertaking the major federal activity and even prior to the development of the Environmental Impact Statement itself.
9. Reasonable Movement of Dike: Even if dike alignment were chosen as a final solution, there is sufficient room in the East Lake area to place the dike in a manner which will not place the homes on the "wet side" of the dike. This coupled with a less destructive secondary line of protection may be an alternative which should be carefully considered. In addition, any decisions regarding soil stability should be made based on representational samples of soil in and around the actual areas affected.

## CONCLUSIONS AND RECOMMENDATIONS

The immense impact on property values caused by proposed dike alignment to the East Lake area coupled with the extensive historical, cultural, and social impact to the neighborhood warrant careful review of the areas of concern and alternatives referenced above. Reasonable alternatives which are more in keeping with NEPA and which limit both environmental impact and irretrievable commitments of resources should be considered. East Lake is not the only neighborhood responding during this original comment period. Unresolved conflicts concerning alternative uses of available resources should move the Corps to consider alternatives such as those referenced above and to seek specialized input from both public and private entities with expertise on flood management prior to undertaking the currently proposed resource intensive plan.

The dike alignment as proposed appears to result in a "takings" to East Lake residents. This "takings" is being imposed without appropriate procedural due process and apparently without reasonable, unbiased review of less intrusive alternatives. East Lake asks that these reasonable alternatives be considered and both public and private entities with expertise be consulted with an open mind prior to the imposition of this drastic impact on East Lake.

Dated this 27<sup>th</sup> day of April, 1998.

  
WILLIAM J. DELMORE  
State Bar ID No. 03212  
KELSCH, KELSCH, RUFF & KRANDA, PLLP  
Collins & Main, P.O. Box 785  
Mandan, North Dakota 58554-0785  
(701) 663-9818

(Map attached as Exhibit 2)



Grand Forks  
East Grand Forks

# Flood Protection Update

Issue 11

April 3, 1998

## Inside This Issue:

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Public Input Sought  
on Scope of EIS

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Residents Have Many  
Questions/Concerns  
About Levee Impacts  
Q&A from Residents

### Page 3

County Residents  
Discuss Options

### Page 4

A Message from  
the Editor

### Upcoming Meetings

The Flood Protection Update is published by the City of Grand Forks, North Dakota with assistance from the U.S. Army Corps of Engineers and the City of East Grand Forks, Minnesota. Its purpose is to provide information regarding both the short and long-term flood protection plans for the two cities. To receive a copy of upcoming or previous issues, call the Grand Forks Information Center at 746-7736. For further information, contact Christi Stonecipher at P.O. Box 5200, Grand Forks, ND, 58206-5200 (telephone: 701-746-2529).

## Public Input Sought on Scope of Environmental Impact Statement

An important part of the Corps' work on the proposed flood protection project for Grand Forks and East Grand Forks is an evaluation of the potential environmental impacts of the plan. The construction of flood control features in the two cities is considered to be a major project that could result in significant impacts.

The National Environmental Policy Act (NEPA) requires that any major Federal action be evaluated for its potential effects on the natural and human environments. To begin that process, the St. Paul District of the Corps published a notice in the Federal Register, dated December 15, 1987, entitled: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS), Grand Forks, ND - East Grand Forks, MN Flood Control. At that time, it was unknown which flood protection plan the Cities would pursue. However, it was important to publish the first notice so people were aware that an EIS would be completed.

The notice stated that the DEIS would evaluate significant issues and resources determined through coordination with responsible Federal, State, and local agencies; the general public; interested private organizations and parties; and affected Native Americans. Coordination with agencies, public informational meetings about the project, and substantial coverage in the local press have provided information about areas to be investigated. Significant issues identified to date for

discussion in the DEIS are as follows:

- Natural resources including: fishery, wildlife, vegetation, wetlands, and riparian areas
- Cultural resources, both historic and archaeological
- Water quality, river sediment contamination, groundwater, erosion, and sedimentation
- Social and economic issues, including the disruption of neighborhoods

The St. Paul District is soliciting comments, ideas, and suggestions regarding the scope of the DEIS beyond those issues identified above. Input should be provided by April 24, 1998. Then, a Draft Scoping Document will be published by May 15, 1998 and a Final Scoping Document by June 5, 1998. These documents will explain what is to be studied. The actual draft EIS won't be released for review until August 15, 1998.

Anyone interested in participating in the development of the DEIS is invited to contact the Environmental Resources Section of the St. Paul District Corps of Engineers in one of the following ways:

### Mail:

Lieutenant Colonel William J. Greyfogie  
District Engineer  
St. Paul District Army Corps of Engineers  
ATTN: Mr. Robert Whiting  
190 Fifth Street East  
St. Paul, MN 55101-1638

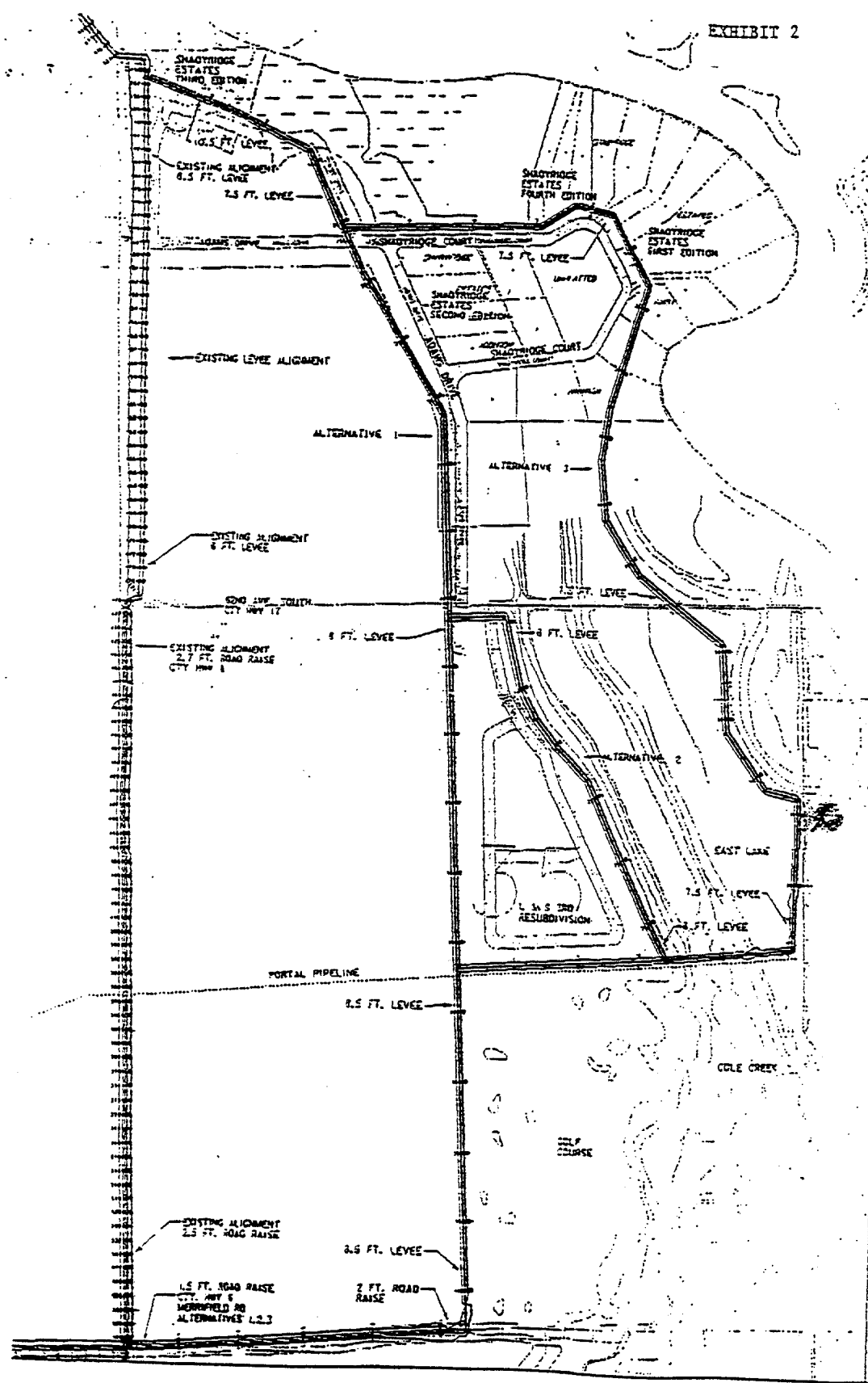
### Electronic Mail:

robert.j.whiting@mv02.usace.army.mil

### Telephone:

Mr. Robert Whiting - (612) 290-5264

Fax: Mr. Robert Whiting - (612) 290-6500



AFFIDAVIT OF SUBMISSION

STATE OF NORTH DAKOTA }  
COUNTY OF MORTON } ss.

LORI SPENCER, being first duly sworn, on oath, deposes and says: That she is a citizen of the United States, over the age of eighteen and not a party to the above-entitled action.

That on the \_\_\_\_\_ day of June, 1998, this affiant deposited in the United States Post Office at Mandan, North Dakota, a true and correct copy of the following document(s) in the above captioned action:

Comments on Draft Scoping Document for Flood Control for Grand Forks, North Dakota, and East Grand Forks, Minnesota.

That a copy of the above document(s) was sent by facsimile and securely enclosed in an envelope with postage duly prepaid, and addressed as follows:

Lieutenant Colonel William J. Breyfogle  
District Engineer  
St. Paul District Army Corps of Engineers  
ATTN: Mr. Robert Whiting  
190 5 St E  
St Paul MN 55101-1638

Fax: 612-290-5800

\_\_\_\_\_  
LORI SPENCER

Subscribed and sworn to before me this \_\_\_\_\_ day of June, 1998.

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



## Office of the State Engineer

MEMORANDUM

TO: Governor Edward T. Schafer  
FROM: *Dale Frink*  
Dale Frink, Assistant State Engineer  
RE: Response to Roland Young Letter and Information SEP 21 1998  
DATE: September 17, 1998

OFFICE OF THE GOVERNOR

We reviewed Mr. Young's information and offer the following comments. The State Water Commission is participating in an International Joint Commission review of the flood that will provide recommendations on many issues, including basin-wide water management.

Mr. Young's basic contention is that more effort should be placed on basin-wide water management, especially in the area south of Wahpeton, that may allow the dikes at Grand Forks to be lower and/or moved closer to the river. Mr. Young's home and many of the citizens that signed the petition live on the "wet" side of the proposed dike alignment and, therefore, will likely have to be relocated.

Basin-wide management is an important but contentious issue. Clearly, phenomenal changes have occurred in the Red River basin. An 1800s USGS map describes the valley as an "impassable swamp." Drainage has significantly contributed to making the Red River Valley one of the most productive regions in the world. These changes have had hydrologic consequences, the extent to which is often debated. However, it is not likely that we can go back. I cannot see the valley cropland seeded back to grass to any great extent. There are several projects being considered, like Maple River Dam, but I do not see the combination of these projects having significant impacts at Grand Forks.

In addition, the agriculture community does not want to go back to predrainage. Farm groups generally oppose "Swampbuster," "no-net-loss of wetlands," and other legislation that restricts farming practices. It should also be pointed out that the 1997 flood is not the largest flood ever. The 1826 flood was larger and the 1852 flood is thought to be equal to the 1997 flood. These floods occurred before development with all wetlands in place and the basin all natural prairie.

Mr. Young has spent a considerable amount of time studying and researching the White Rock Dam and area south of Wahpeton. Mr. Young states "that the anomaly of the great Red River Valley flood of 1997 was, in great part, the result of 198,480 acre-feet of water from White Rock Dam (Corps of Engineers records) being added during April 1997 to an already flood stage Red River."

Governor Edward T. Schafer  
Page 2  
September 17, 1998

I make several points in regard to this dam. First, the water released from White Rock Dam did not have a significant impact at Grand Forks. White Rock Dam released the water at a rate of 7,000 cfs and the Red River at Grand Forks peaked at 137,000 cfs (115,000 cfs on the day of peak stage). It would have been beneficial if the flow at Grand Forks was 7,000 cfs less, but the dikes would have still overtopped and the river would have been only inches lower.

Second, it would not be easy to build a new dam in the southern Red River basin that would flood out landowners in Minnesota and South Dakota. Large dams anywhere are difficult - in this location it is essentially impossible.

Third, Mr. Young references a 1917 War Department document citing the need for "reservoirs that will hold the flood water 20 days at least." For whatever reason, the Corps built a smaller project that does not have the capability of storing 20 days of runoff. However, the Corps is not obliged to build a larger project. Any new or enlarged dam in this area would have to go through all the hoops - authorization, economic justification, and the environmental review and permit process. This would require considerable time.

Last spring I had the opportunity to tour water management in the Netherlands. The Dutch have much longer flood records, with some flood marks dating to the 1300s. Time has taught the Dutch many lessons. They do not build dikes to provide 100-year protection, but to 1200-year protection. Their floodplains (space between the dikes) are very wide and free from restrictions to flow. The proposed Grand Forks dike provides about 200-year protection, which unfortunately is less than the 1826 flood. There is no reason to believe the 1826 flood was the ultimate maximum. Dikes with adequate setback are safe and provide flood fighters a better chance for modifications during emergencies. Relocations are terribly disruptive, but the time to build a long-term flood control project for Grand Forks is now.

In summary, basin-wide management will require substantial time and money, yet it is necessary. Most if not all water projects, especially dams, end up in a very long drawn out process. Shifting the focus from the Grand Forks dike project to other alternatives could not only delay a much needed project, but it could divert our efforts to an alternative(s) that may never provide long-term flood protection to the city.

DF/rp/305-2  
Attachment

This history of the development of the Lake Traverse Project was acquired by studying congressional records dating back to the turn of the century. There had been trouble with flooding on the Minnesota River and the original Lake Traverse. (The flood of 1897 was on record). The area that drains into Lake Traverse is over 1,160 square miles. This area is on the north/south continental divide between Minnesota and South Dakota. In an attempt to remedy the situation many meetings were held to consider action.

The congressional record documents the recognition that the spring thawing begins in the southern part of the valley, that a reservoir system should be created to be able to retain the water in Lake Traverse and, that "...if additional reservoirs were needed to meet emergencies they should be supplied as part of the common project..." (65th Congress, 1st session, House of Representatives Document No. 199, June 20, 1917, page 10, 12).

The following tables show what was expected of this reservoir system and the conditions of its construction:

What was known about or required of the Lake Traverse Project	What Actually Occurred in 1997
* The reservoir was intended to be able to store the run-off from a storm much larger than any on record.	The Lake Traverse reservoir was filled to capacity, continuing to rise and uncontrolled overflow was imminent.
** There "will be no outflow from it in the spring before May 1st."	During the month of April 1997, water was released from the reservoir totaling 198,480 acre-feet.
*** The flow "will at no time exceed 1000 cubic feet per second (cfs)" except in extreme conditions where flow might be increased to 1400 cfs.	Except for April 5-9 and June 3, discharge from White Rock Dam exceeded 1000 cfs from April 2 - June 13; From April 11 - May 1 discharge exceeded 1400 cfs.
**** A discharge from the reservoir of <u>4000 cfs would flood the lands below the dam</u> during the time that rate was maintained.	Water was released from White Rock Dam at rates from 4000 - 7000 cfs during April 12-24, 1997.
* USDA Bulletin No. 1017 March 31, 1922, page 63 ** USDA Bulletin No. 1017 March 31, 1922, page 65 *** USDA Bulletin No. 1017 March 31, 1922, page 65, 68 **** USDA Bulletin No. 1017 March 31, 1922, page 69	

The historic record shows that the original plans for the Lake Traverse Project were for an adequate reservoir system that should be able to control run-off until after May 1. The US Army Corps of Engineers, in its own literature states, "The Lake Traverse Project was authorized by Congress in 1936 and completed and put into operation in December of 1941. Its purpose is to restrict water flow to the north during spring thaw that could cause severe flooding in the north because of frozen ground..." Clearly, as currently constructed and operated, the Lake Traverse Project is not adequate to control spring run-off water as it was originally intended.

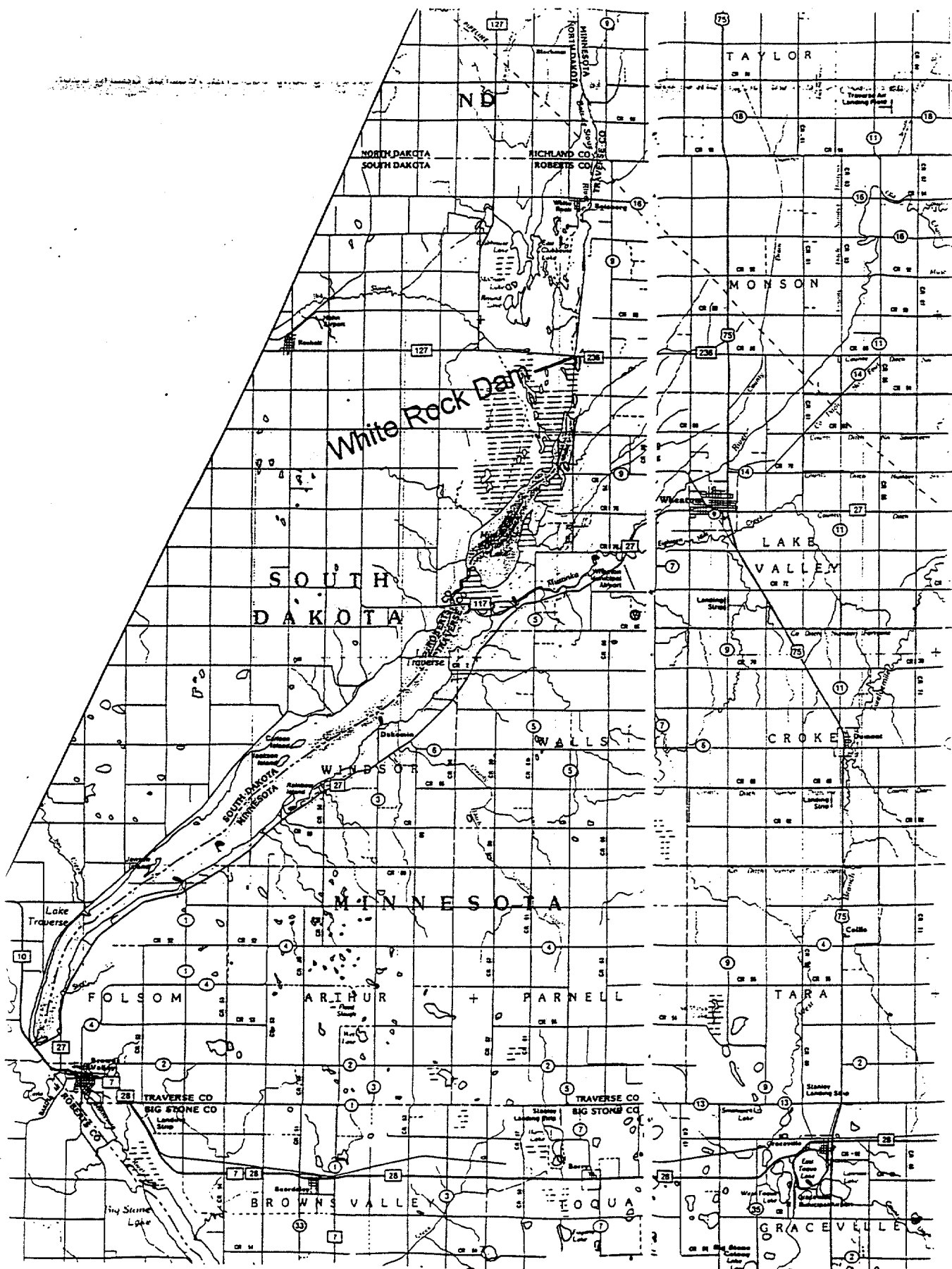
A preliminary study by Moore Engineering Inc., West Fargo, ND, provides data for a portion of the area north of White Rock Dam. This area of 12 square miles could provide additional reservoir storage with a capacity of over 65,000 acre-feet. This would increase the capacity of the Lake Traverse Project more than 25%.

The Corps of Engineers should study this and the extended area north of White Rock Dam with top priority billing and an eye toward the construction of additional dams and holding areas as provided for in the original planning of the Lake Traverse Project. This would merely be completing the project as it should have been done over 50 years ago. Anything that would be done there would benefit the whole Red River Basin and could presumably be done for a fraction of the cost of the present plans for individual city diking along the Red River.

At present there are plans to add 5 feet to the level of capacity of the Bald Hill Dam on the Sheyenne River, construct a 'dry' dam on the Maple River, and several other upper basin management projects including the Red Lake River are under consideration. Each of these would also contribute appreciable reductions in the flood potential of the Red River.

A delegation including members of the Red River Basin Board (RRBB) that toured the Netherlands returned with the report water management MUST begin at the upper reaches. Considering the pending Water Resources Development Act (WRDA) 1998, it is imperative that the Lake Traverse/Bois De Sioux watershed be given a top priority! If this means congressional action, then let's have it!

EXHIBIT 2





**Energy &  
Environmental  
Research  
Center**

UNIVERSITY OF NORTH DAKOTA

15 North 23rd Street — PO Box 5018 / Grand Forks, ND 58202-0018 / Phone: (701) 777-6000 Fax: 777-5181  
World-Wide Web Server Address: <http://www.enr.und.nodak.edu>

September 1, 1998

Col. Kenneth S. Kasprisin  
Commander  
Army Corps of Engineers Centre  
190 Fifth Street East  
St. Paul, MN 55101-1638

Dear Col. Kasprisin:

Hal Gershman has shared a copy of your August 25, 1998, response to his August 10, 1998, letter in which he asked the Corps of Engineers to consider providing a statement of support for a study of the "waffle" concept. As Hal mentioned, the "waffle" concept was first proposed by the Energy & Environmental Research Center (EERC) as a nonstructural basinwide augment to the levee systems for Grand Forks, East Grand Forks, and elsewhere in the basin. Since then, we have seen growing interest from both technical and nontechnical segments of the regional population for the initiation of a study to determine the feasibility and effectiveness of the "waffle" concept as one of the tools in basinwide water management. One of the most powerful arguments for evaluating the "waffle" concept is the fact that it is a nonstructural proposal. I was pleased by your statement that basinwide management for flood protection makes sense. You also stated that any Red River basinwide management plan will enhance the level of protection provided by the Grand Forks-East Grand Forks project. However, I was very confused by your statement that basinwide management rarely is effective in addressing large floods. Since the "waffle" concept has neither been studied nor implemented, how can you possibly make such a statement? There exists no objective basis for your statement. What scientific evidence do you have which would lead you to conclude that the "waffle" concept would not be effective in addressing large floods?

Another issue that I would like to address is your repeated use of the term "alternative" when referring to the "waffle" concept. Again, I must conclude that you do not understand our proposal. We have never suggested that the "waffle" be considered as an alternative to levees, but rather an augment to levee systems. It seems logical to conclude that if the Army Corps of Engineers is truly interested in providing the best possible flood protection to the Red River Basin and, as you have stated, feels that the "waffle" concept is worthy of evaluation, then you would welcome the opportunity to evaluate this concept and potentially enhance the current design.

In your letter you also stated "The 'waffle' plan alternative in basin-wide management essentially manages the water in place." Quite frankly, I do not understand your point. There is not one acre of land in the Red River Basin that is capable of flooding itself. Most spring flooding in this basin is caused by the melting of snow, rain, and accumulation of water in flat-lying areas near the Red River and its tributaries. The primary purpose of the "waffle" concept is to limit that flow during times of maximum melting and runoff, thereby providing critical reduction in Red River crests. I must conclude that you do not understand the concept we are proposing.





Energy &  
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EIS-262